

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Roy W. Arrowood,)	
)	
Petitioner,)	
)	
vs.)	Civil Action No. 4:06-2158
)	
Robert H. Mauney, Warden; Henry D.)	
McMaster, Attorney General of South)	
Carolina,)	
)	
Respondents.)	
_____)	

ORDER

Petitioner filed the instant *pro se* action for habeas relief pursuant to 28 U.S.C. § 2254 on July 28, 2006. (Doc. #1). On November 1, 2006, Respondents filed the pending motion for summary judgment. (Docs. #8, 9). Petitioner responded to the pending motion on November 13, 2006. (Doc. #12). On February 26, 2007, Petitioner filed a motion for summary judgment. (Doc. #19).

This matter now comes before the Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Thomas E. Rogers, III, to whom this case had been previously assigned. In the Report, issued on April 30, 2007, Magistrate Judge Rogers recommends that Respondents’ summary judgment motion be granted, Petitioner’s summary judgment motion be denied, and the petition be dismissed. (Doc. #23). Petitioner filed objections to the Report on June 7, 2007. (Doc. #26).

In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections...The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted). In light of this standard, the Court has reviewed the Report. After careful review of the Report and objections thereto, the Court accepts the Report. Therefore, for the reasons articulated by the Magistrate Judge, it is **ORDERED** that Respondents' motion for summary judgment is **GRANTED** (Docs. #8, 9), Petitioner's motion for summary judgment be **DENIED** (Doc. #19), and the petition is **DISMISSED** (Doc. #1).

IT IS SO ORDERED.

S/ Terry L. Wooten

Terry L. Wooten
United States District Judge

July 23, 2007
Florence, South Carolina